

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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LAURA NOLAND,
Plaintiff,
vs.
SOCIAL SECURITY DISABIL
Defendant.

Case No. 2:17-cv-02743-JCM-VCF

**REPORT AND RECOMMENDATION FOR
DISMISSAL WITH PREJUDICE**

On November 3, 2017, the Court granted Plaintiff Laura Noland’s application to proceed *in forma pauperis* and dismissed her complaint without prejudice. (ECF No. 3). The Court found the complaint “fails to include several statements critical to showing that Plaintiff is entitled to relief in this action.” (*Id.* at 2). The Court gave Plaintiff until December 8, 2017 to file an amended complaint and warned that “[f]ailure to timely file an Amended Complaint that addresses the deficiencies noted in this Order may result in a recommendation for dismissal with prejudice.” (*Id.*). Plaintiff has failed to file an amended complaint or an objection to the Court’s order.¹ For the reasons discussed in the Court’s November 3, 2017 Order (ECF No. 3), Plaintiff’s complaint should be dismissed with prejudice.

Accordingly, and for good cause shown,

IT IS RECOMMENDED that this action be DISMISSED WITH PREJUDICE and Judgment entered, accordingly.

¹ The Court notes Plaintiff sent a letter to the Court on December 7, 2017, but the letter does not address the deficiencies noted in the Court's November 3, 2017 Order. (ECF No. 5).

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NOTICE

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Under Local Rule IB 3-2, any objection to this Order must be in writing and filed with the Clerk
3 of the Court within 14 days. The Supreme Court has held that the courts of appeal may determine that an
4 appeal has been waived due to the failure to file objections within the specified time. (*See Thomas v. Arn*,
5 474 U.S. 140, 142 (1985)). This circuit has also held that (1) failure to file objections within the specified
6 time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the
7 District Court's order and/or appeal factual issues from the order of the District Court. (*See Martinez v.*
8 *Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th
9 Cir. 1983)).

10 Pursuant to LSR 2-2, the Plaintiff must immediately file written notification with the court of any
11 change of address. The notification must include proof of service upon each opposing party or the party's
12 attorney. **Failure to comply with this Rule may result in dismissal of the action.** (*See* LSR 2-2).

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15 IT IS SO ORDERED.

16 DATED this 18th day of December, 2017.

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CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE